

REMARKS

The final Office Action of October 16, 2006, has been received and reviewed.

Claims 1, 2, 4-6, 8, 10-21, 75, 76, 80-85, 88, 101, 102, and 104125 are currently pending and under consideration in the above-referenced application. Of these, claims 75, 76, 80-85, 88, 101, and 102 stand rejected, while claims 1, 2, 4-6, 8, 10-21, and 104-125 have been allowed.

Reconsideration of the above-referenced application is respectfully requested.

Supplemental Information Disclosure Statement

Please note that a Supplemental Information Disclosure Statement was filed in the above-referenced application on August 2, 2004, but that the undersigned attorney has not yet received any indication that the references cited in the Supplemental Information Disclosure Statement have been considered in the above-referenced application. It is respectfully requested that the references cited in the Supplemental Information Disclosure Statement of August 2, 2004, be considered and made of record in the above-referenced application and that an initialed copy of the Form PTO/SB/08A that accompanied that Supplemental Information Disclosure Statement be returned to the undersigned attorney as evidence of such consideration.

For the sake of convenience, a copy of the August 2, 2004, Supplemental Information Disclosure Statement, its accompanying PTO/SB/08A, copies of the cited foreign and non-patent references, and a copy of the USPTO date-stamped postcard evidencing receipt of the foregoing when originally filed are enclosed.

Rejections under 35 U.S.C. § 112, First Paragraph

Claims 75, 76, 80-85, 88, 101, and 102 have been rejected for reciting subject matter that purportedly does not comply with the written description or enablement requirements of 35 U.S.C. § 112, first paragraph.

With respect to the rejections that have been presented pursuant to the written description requirement, it has been asserted that the as-filed specification does not provide basis “for the orienting element which orients the transducer and a plurality of features thereof.” Final Office Action, page 2. In response, it is noted that the as-filed specification, at several locations, provides

support for the transducer-orienting element and attachment feature recited in claims 75, 76, 80-85, 101, and 102. For example, at paragraph [0034], the as-filed specification provides, “the integrated airway adapter may incorporate a specific instrument connection scheme to facilitate the proper assembly of external components . . . with the airway adapter . . .” As a more specific example, paragraph [0079] of the as-filed specification describes an airway adapter with “a seat for [a] transducer housing” for orienting the transducer housing relative to the airway adapter. Additional examples of transducer-orienting elements and corresponding attachment features are provided in paragraphs [0093], [0132], and [0142] of the as-filed specification.

As for the assertion that the rejected claims do not comply with the enablement requirement of the first paragraph of 35 U.S.C. § 112, it has been asserted that “[i]t is unclear what the relationship between the orienting element of the claims and the seat of the claims is.” Final Office Action, page 2. It is proposed that claim 80 be revised to replace the term “seat” with “transducer-orienting element” and that independent claims 82 and 101 be revised to recite that the transducer-orienting element comprises a seat. These proposed revisions provide improved clarity.

Independent claim 102 does not recite a “seat” and, therefore, should not be subject to this part of the 35 U.S.C. § 112, first paragraph, enablement rejection.

It has also been asserted that “it is unclear how the orienting element orients a plurality of features of the transducer or what those features are.” Final Office Action, page 2. Again, the as-filed specification provides several examples of transducer-orienting elements, the manner in which such elements function, and the features that are oriented when a transducer is properly oriented relative to an airway adapter. *See, e.g.*, paragraphs [0034], [0079], [0093], [0132], and [0142] and the FIGs. referred to in such paragraphs.

It is, therefore, respectfully submitted that each of claims 75, 76, 80-85, 88, 101, and 102 complies with both the written description and enablement requirements of the first paragraph of 35 U.S.C. § 112.

Withdrawal of the 35 U.S.C. § 112, first paragraph, rejections of claims 75, 76, 80-85, 88, 101, and 102 is respectfully requested.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 75, 76, 80-85, 88, 101, and 102 also stand rejected under 35 U.S.C. § 112, second paragraph, for reciting subject matter that is allegedly indefinite. Specifically, it is asserted that “[i]t is unclear what it means to orient a plurality of features of a transducer.”

It is respectfully submitted that one of ordinary skill in the art would readily understand from the as-filed specification what is meant by a transducer-orienting element,” as well as the meaning of orienting a plurality of features of a transducer (language that does not appear in all of the rejected claims). Again, the as-filed specification provides non-limiting guidance at paragraphs [0034], [0079], [0093], [0132], and [0142] and the FIGs. referred to in such paragraphs. Therefore, it is respectfully submitted that each of claims 75, 76, 80-85, 88, 101, and 102 complies with the definiteness requirement of the second paragraph of 35 U.S.C. § 112.

It is respectfully requested that the 35 U.S.C. § 112, second paragraph, rejections of claims 75, 76, 80-85, 88, 101, and 102 be withdrawn, and that each of these claims be allowed.

Allowable Subject Matter

The allowance of claims 1, 2, 4-6, 8, 10-21, and 104-124 is gratefully acknowledged.

Entry of Amendments

Entry of the proposed amendments to claims 80, 82, and 101 is respectfully requested. It is respectfully submitted that proposed claim amendments do not introduce new matter into the above-referenced application, nor would they necessitate an additional search. Moreover, the proposed claim amendments narrow the issues that remain for purposes of appeal.

In the event that a decision is made not to enter the proposed claim amendments, entry thereof upon the filing of a Notice of Appeal in the above-referenced application is respectfully requested.

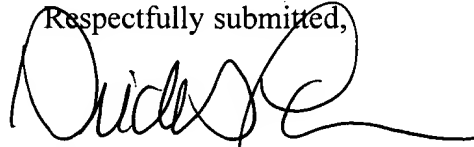
CONCLUSION

It is respectfully submitted that each of claims 1, 2, 4-6, 8, 10-21, 75, 76, 80-85, 88, 101, 102, and 104-124 is allowable. An early Notice of Allowability is respectfully solicited, as is an

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indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brick G. Power', written over the typed name.

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